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PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Report by the Committee on the Elimination of Discrimination against Women

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I. BACKGROUND

1. The Convention on the Elimination of All Forms of Discrimination against Women 1/ is the only document to have emerged from the United Nations Decade for Women that legally obliges Governments to eliminate discrimination against women by granting them legal rights as well as equal opportunities. Adopted unanimously by the General Assembly in 1979 and having entered into force as a binding treaty on 3 September 1981, the Convention constitutes the framework of action to promote the fundamental human rights of women. Acceded to or ratified by 139 nations - representing more than two thirds of the membership of the United Nations - and signed by others, it represents the undeniable commitment of the international community to this framework, both as a means of identifying persistent forms of inequality affecting women and discrimination against them and as a guide to steps designed to abolish practices and traditions detrimental to the enjoyment of their rights. Its legally binding and internationally accepted character renders the Convention the basic legal framework for a forward-looking strategy to protect and promote the fundamental human rights of women and to eradicate inequality and discrimination.

2. Adopted in 1993 by the World Conference on Human Rights, the Vienna Declaration and Programme of Action 2/ asserted that the human rights of women were a priority for Governments and the United Nations. It took historic new steps in declaring that violation of women's rights was a violation of human rights, supported the creation of a new mechanism allowing complaints relating to discrimination and the appointment of a special rapporteur on violence against women. The Vienna Declaration and Programme of Action states explicitly, in section I, paragraph 18, that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. It calls for the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex. It states, further, that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the worth of the human person and must be eliminated.

3. The Vienna Declaration and Programme of Action represent a turning-point in the international community's approach to the promotion and protection of the human rights of women. In December 1993, the normative framework relating to those rights was strengthened by the adoption by the General Assembly of the Declaration on the Elimination of Violence against Women. 3/ In 1994, the Commission on Human Rights made the welcome decision to appoint a special rapporteur on violence against women. 4/ These are important steps, but much remains to be done to fulfil the mandate of the Vienna Conference.

4. The Fourth World Conference on Women will set the priorities and the strategic objectives for women's advancement towards the next millennium. The Commission on the Status of Women, at its thirty-seventh session, 5/ took note of the need to bring the Nairobi Forward-looking Strategies for the Advancement of Women 6/ into line with the challenges facing women in the twenty-first century. The Fourth World Conference on Women therefore offers the

international community an exceptional opportunity to advance the human rights of women. Governments owe it to women to commit themselves to ensuring the full enjoyment and exercise by women of all human rights, as well as to achieving the goal of the Conference as embodied in its threefold theme - equality, development and peace.

5. The Fourth World Conference on Women presents the international community with an opportunity to reaffirm, support and strengthen the Convention on the Elimination of All Forms of Discrimination against Women as the basic legal framework for the human rights of women. The Conference also offers the international community the opportunity to recognize the crucial role of the Committee on the Elimination of Discrimination against Women, the body established to monitor the Convention, in the realization of the rights recognized by the Convention and in preventing and combating discrimination against women. It will provide a forum in which the Committee's role can be strengthened and will allow it to be identified as one of the central institutions charged with the task of ensuring the achievement of the goals of the platform for action.

A. A short history of the Convention on the Elimination of All Forms of Discrimination against Women

6. Equality of rights for women is a basic principle of the United Nations. The Preamble to the Charter of the United Nations - now in its fiftieth anniversary year - sets as one of the Organization's central goals the reaffirmation of "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women". Article 1 proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to, inter alia, sex. By the terms of the Charter, the first international instrument to refer specifically to human rights and to the equal rights of men and women, all members of the United Nations are legally bound to strive towards the full realization of all human rights and fundamental freedoms. The status of human rights, including the goal of equality between women and men, is thereby elevated: a matter of ethics becomes a contractual obligation of all Governments and of the United Nations.

7. The International Bill of Human Rights strengthens and extends this emphasis on the human rights of women. The Universal Declaration of Human Rights 7/ proclaims the entitlement of everyone to equality before the law and to the enjoyment of human rights and fundamental freedoms without distinction of any kind and proceeds to include sex among the grounds of such impermissible distinction. The International Covenant on Economic, Social and Cultural Rights 8/ and the International Covenant on Civil and Political Rights, 9/ both of 1966, which translate the principles of the Declaration into legally binding form, clearly state that the rights set forth are applicable to all persons without distinction of any kind and, again, put forth sex as such a ground of impermissible distinction. In addition, each Covenant specifically binds acceding or ratifying States to undertake to ensure that women and men have equal right to the enjoyment of all the rights they establish.

8. The International Bill of Human Rights, combined with related human rights treaties, thus lays down a comprehensive set of rights to which all persons, including women, are entitled. However, the fact of women's humanity proved insufficient to guarantee them the enjoyment of their internationally agreed rights. Since its establishment, the Commission on the Status of Women has sought to define and elaborate the general guarantees of non-discrimination in these instruments from a gender perspective. The Commission's work has resulted in a number of important declarations and conventions that protect and promote the human rights of women.

9. Originally established in 1946 as a subcommission of the Commission on Human Rights, but quickly granted the status of full commission as a result of the pressure exerted by women's activists, the mandate of the Commission on the Status of Women included the preparation of recommendations relating to urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women should have equal rights, and the development of proposals to give effect to such recommendations". 10/ Between 1949 and 1959, the Commission elaborated the Convention on the Political Rights of Women, adopted by the General Assembly on 20 December 1952, 11/ the Convention on the Nationality of Married Women, adopted by the Assembly on 29 January 1957, 12/ the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 7 November 1962, 13/ and the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages adopted on 1 November 1965. 14/ Each of these treaties protected and promoted the rights of women in areas in which the Commission considered such rights to be particularly vulnerable. It was believed that, except in those areas, women's rights were best protected and promoted by the general human rights treaties.

10. Although these instruments reflected the growing sophistication of the United Nations system with regard to the protection and promotion of women's human rights, the approach they reflected was fragmentary, as they failed to deal with discrimination against women in a comprehensive way. In addition, there was concern that the general human rights regime was not, in fact, working as well as it might to protect and promote the rights of women. Thus, the General Assembly, on 5 December 1963, adopted its resolution 1921 (XVIII), in which it requested the Economic and Social Council to invite the Commission on the Status of Women to prepare a draft declaration that would combine in a single instrument international standards articulating the equal rights of men and women. This process was supported throughout by women activists within and outside the United Nations system. Drafting of the declaration, by a committee selected from within the Commission on the Status of Women, began in 1965, with the Declaration on the Elimination of Discrimination against Women 15/ ultimately being adopted by the General Assembly on 7 November 1967. Although the Declaration amounted only to a statement of moral and political intent, without the contractual force of a treaty, its drafting was none the less a difficult process. Article 6, concerning equality in marriage and the family, and article 10, relating to employment, proved to be particularly controversial, as did the question of whether the Declaration should call for the abolition of the customs and laws perpetuating discrimination or for their modification or change.

11. The 1960s saw the emergence, in many parts of the world, of a new consciousness of the patterns of discrimination against women and a rise in the number of organizations committed to combating the effect of such discrimination. The adverse impact of some development policies on women also became apparent. In 1972, five years after the adoption of the Declaration and four years after the introduction of a voluntary reporting system on the implementation of the Declaration by the Economic and Social Council, 16/ the Commission on the Status of Women considered the possibility of preparing a binding treaty that would give normative force to the provisions of the Declaration and decided to request the Secretary-General to call upon the States Members of the United Nations to transmit their views on such a proposal. The following year, a working group was appointed to consider the elaboration of such a convention. In 1974, at its twenty-fifth session and in the light of the report of this working group, the Commission decided, in principle, to prepare a single, comprehensive and internationally binding instrument to eliminate discrimination against women. This instrument was to be prepared without prejudice to any future recommendations that might be made by the United Nations or by its specialized agencies with respect to the preparation of legal instruments to eliminate discrimination in specific fields.

12. The text of the Convention on the Elimination of All Forms of Discrimination against Women was prepared by working groups within the Commission during 1976 and in what one commentator described as "long and painful" 17/ deliberations by a working group of the Third Committee of the General Assembly from 1977 to 1979. Drafting work within the Commission was encouraged by the World Plan of Action for the Implementation of the Objectives of the International Women's Year, 18/ adopted by the World Conference of the International Women's Year held in Mexico City in 1975, which called for a convention on the elimination of discrimination against women, with effective procedures for its implementation. Work was also encouraged by the General Assembly which had urged the Commission to finish its work by 1976, so that the Convention would be completed in time for the 1980 Copenhagen mid-decade review conference (World Conference on the United Nations Decade for Women: Equality, Development and Peace). Although suggestions were made to delay completion of the text for another year, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979 by votes of 130 to none, with 10 abstentions. In resolution 34/180, in which the General Assembly adopted the Convention, the Assembly expressed the hope that the Convention would come into force at an early date and requested the Secretary-General to present the text of the Convention to the mid-decade World Conference of the United Nations Decade for Women.

13. At the special ceremony that took place at the Copenhagen Conference on 17 July 1980, 64 States signed the Convention and two States submitted their instruments of ratification. On 3 September 1981, 30 days after the twentieth member State had ratified it, the Convention entered into force - faster than any previous human rights convention had done - thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women.

14. As of 1 March 1995, 139 countries - more than two thirds of the States Members of the United Nations - had deposited instruments of ratification or accession with the Secretary-General and a further 6 countries were signatories.

B. The content of the Convention

15. The Convention on the Elimination of All Forms of Discrimination against Women has been called "the definitive international human rights instrument requiring respect for and observance of the human rights of women; it is universal in reach, comprehensive in scope and legally binding in character". 20/

16. Essentially, the Convention is the international bill of rights for women. Acknowledging in its preamble that the mere fact of women's humanity has been insufficient to guarantee women protection of their rights by the existing human rights standards and machinery, the Convention brings together, in a single international human rights treaty, the provisions of existing United Nations instruments concerning discrimination on the basis of sex and extends them further, creating a real tool for the elimination of discrimination against women. It contains a mixture of non-discriminatory, corrective and protective provisions. The protective elements are less obtrusive than in previous international instruments and the corrective elements, which are encouraged and defined to be non-discriminatory, are to be discontinued when the objectives of equality of opportunity and treatment of women and men have been achieved.

17. Unlike earlier international instruments, which speak only of "distinction" or "discrimination" on the basis of sex, the Convention, in its article 1, provides a detailed explanation of the meaning of discrimination against women. This encompasses any difference in treatment - by way of distinction, exclusion or restriction - on the grounds of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality with men, of their human rights and fundamental freedoms in all spheres of life.

18. The Convention obliges States Parties to eliminate this discrimination as regards the exercise and enjoyment of all civil, political, economic, social and cultural rights, not only in public, but also in private life. One of the Convention's unique and important features, expanding existing theories of human rights, is its recognition of discrimination outside the public sphere, in particular within families, and the obligation of the State to ensure its elimination. Its 16 substantive provisions describe the significant areas in which women must be accorded the right to make choices. They include education, employment, health and political participation. Because women's roles, responsibilities and recognized capacities within the family are frequently limited by law, custom and culture and often determine their roles, responsibilities and recognized capacities within society, the Convention's emphasis on equal rights in marriage and family is of specific importance. States Parties are obliged by the Convention to take all appropriate measures to suppress all forms of traffic in, and exploitation of prostitution of, women. It also guarantees equality in nationality and citizenship which define the essence of women's relationship with the State.

19. Obligations imposed by the Convention extend beyond the elimination of discrimination and require the establishment of the means to eliminate discrimination. States Parties thus agree to initiate constitutional, legislative, administrative and other measures to ensure equality both generally and within specific contexts, including political and public life, nationality, education, work, health, legal and civil matters and the family. In a provision unique to this treaty, States Parties also bind themselves to take into account the particular problems faced by rural women, to eliminate discrimination against them and to ensure that they participate in and benefit from rural development on the same basis as men.

20. States Parties contract to address discrimination entrenched not only de jure, but also de facto. Acknowledging that the elimination of discrimination against women requires more than legal change, and must include a challenge to the underlying forces that create and sustain such discrimination, the Convention directly addresses issues of cultural and social behaviour as well as legal rights: Article 5 requires States Parties to take all appropriate measures to remove the social, cultural and traditional patterns that perpetuate gender-role stereotypes and to create an overall framework in society that promotes the realization of the full human rights of women. A dynamic feature of the Convention is its recognition that the formal prohibition of discrimination is insufficient to redress its inherited consequences. Article 4 of the Convention thus authorizes the temporary use of measures "aimed at accelerating de facto equality" and provides that measures to protect maternity shall not be considered discriminatory.

C. Committee on the Elimination of Discrimination against Women (CEDAW)

21. Article 17 of the Convention establishes the Committee on the Elimination of Discrimination against Women for the purpose of considering the progress made in the implementation of the Convention's provisions. The Committee comprises 23 experts who are elected by secret ballot from a list of persons "of high moral standing and competence in the field covered by the Convention" nominated by States Parties. In the election of members, who serve four-year terms, consideration is given to equitable geographical distribution and to the representation of different civilizations and legal systems. Committee members are nominated by their own Governments and elected by States Parties, but they serve in their personal capacity as independent experts and not as delegates or representatives of their countries of origin. As one of the six United Nations human rights treaty bodies, the Committee is financed out of the regular United Nations budget and served by a United Nations secretariat.

22. Sixty-two experts from 50 countries have served on the Committee since its initial session in 1982. The composition of the Committee has been noticeably different from that of the other human rights treaty bodies. Because States Parties have nominated only women candidates, all Committee members except one - in contrast to the members of other treaty bodies, who are predominantly male - have been women. Most experts have been active in work relating to women's issues or feminism. Committee members have been committed to the human rights

of women and, usually, have had access to networks and communities outside the structure of government.

23. Unlike members of the other human rights treaty bodies, who are predominantly lawyers, Committee members have been professionally diverse. The Committee has included lawyers, doctors, politicians, psychologists, economists, sociologists, educationalists and diplomats. This diversity, reflecting the scope of the Convention, has allowed the Committee a breadth of vision beyond the scope of formal legalism and has favourably affected its work.

24. The Convention assumes that the major part of the task of the Committee in considering progress in the implementation of the Convention will be the examination of such reports as every ratifying or acceding nation is legally obliged to submit on the legislative, judicial, administrative and other measures that it has taken in accordance with the provisions of the Convention. Those reports are required from each States Party within one year of its becoming a State Party and on a four-year cycle thereafter or whenever the Committee requests such a report.

25. The Committee is also empowered by the Convention to make suggestions and general recommendations based on the examination of reports and information received from States Parties. Suggestions are directed to United Nations organs or to world conferences, whereas general recommendations are addressed to States Parties. The Committee may invite the specialized agencies, which are entitled to be represented during its sessions, to submit reports for its consideration. The Committee reports annually to the General Assembly through the Economic and Social Council, and the reports are transmitted to the Commission on the Status of Women for information.

D. The work of CEDAW

26. In order to consider the reports submitted by States Parties in accordance with article 18 of the Convention, article 20 provides that the Committee shall normally meet for a period of not more than two weeks annually. This, the shortest meeting time of any body established under a United Nations human rights treaty has had significant and adverse implications for the Committee's work. To address these implications and as a response to the Committee's serious concern that it was becoming overwhelmed by its workload, the General Assembly granted the Committee exceptional meeting time, although even with this time the Committee has been left with less meeting time than the other treaty bodies. In 1995, for the first time, a State Party, Spain, generously provided the Committee with an additional week of meeting time in its capital, and this gesture was deeply appreciated by the Committee. Although expressing the hope that other States Parties will follow this example, the Committee emphasizes that it is the responsibility of the States Members of the United Nations to ensure that the Committee has adequate time for its work. Unlike any other body established under a human rights treaty, the Committee is not serviced by the Centre for Human Rights in Geneva: its secretariat is the Division for the Advancement of Women of the United Nations Secretariat, which moved from Vienna to New York in 1993. This means that the Committee has, in general, been left outside the mainstream of human rights work within the United Nations.

27. The Committee adopted its rules of procedure at its first session in 1982. They provide that the meetings of the Committee shall be generally held in public; that 12 members shall constitute a quorum and that a decision of the Committee can be taken only in the presence of two thirds of its members. The rules of procedure also establish that the Committee shall endeavour to work by consensus.

28. A number of the Committee's procedures have been a response to its limited meeting time. A group of five members of the Committee, one from each United Nations region, meet prior to each session to prepare a list of issues and sets of questions to be sent in advance to those States presenting second and subsequent reports, so that consideration of these reports can be expedited. Two standing working groups meet during the regular session. Working Group I considers ways and means of expediting the work of the Committee, including consideration of guidelines for reporting, revision of the rules of procedure and selection of reports to be reviewed at the following session. Working Group II considers ways and means of implementing article 21 of the Convention, including preparation of suggestions and general recommendations in implementation of the Convention and contributions to United Nations world conferences.

29. The main function of the Committee is to consider States Parties' reports, a mandate it interprets widely. Accordingly, the bulk of its time is spent in considering reports and entering into constructive dialogue with government representatives. As the Committee has now completed 14 sessions, the emphasis of this work has shifted from the review of initial reports to that of second and subsequent reports. The Committee has adopted guidelines to shape States Parties' reports. Initial reports are intended to be a detailed and comprehensive description of the position of women in the country concerned at the time of the submission and to provide a baseline against which progress in advancing the position of women can be measured. Second and subsequent reports update the previous report, detailing significant developments that have occurred over the preceding four years, noting key trends and identifying obstacles to the full achievement of the aims of the Convention.

30. The shift in emphasis from initial to subsequent reports has allowed the Committee to seek to identify trends in particular countries in order to assess progress that has been made in the elimination of discrimination against women, to identify obstacles that stand in the way of fully attaining the goals of the Convention and to determine whether its suggestions made during previous reviews have been implemented. The shift has also allowed the Committee to identify global trends and obstacles affecting the advancement of women.

31. Consideration of States Parties' reports by the Committee is based on the concept of "constructive dialogue". The Committee seeks to establish that such consideration far from being an adversarial process, constitutes engagement by the Committee and the State Party in a joint enterprise designed to advance the goals of the Convention by the exchange of information, ideas and suggestions. In that spirit, the Committee, which bases its review on the reports and information from the specialized agencies and non-governmental organizations, never formally pronounces a State to be in violation of the Convention but, instead, points out shortcomings in a series of questions and answers.

32. At its thirteenth session in 1994, the Committee introduced the practice of preparing concluding comments in respect of each State Party's report, its view being that the concluding comments would make its work accessible to government policy makers, civil servants and non-governmental organizations. These comments constitute the Committee's collective appraisal of the report and indicate what it considers to be the strengths and inadequacies of the country's report and its implementation of the Convention. The Committee hopes that these comments will be distributed widely and become an effective tool in dialogue with Governments concerning the implementation of the treaty.

33. The other substantial part of the Committee's work is the formulation of general recommendations based on its examination of the reports and information received from States Parties. The Human Rights Committee has used its similar power to issue "general comments" to develop a jurisprudence of the articles of the Convention and to improve the quality of reporting under it. As it itself has said:

> "The purpose of these general comments is to make this experience (that is, reporting review) available for the benefit of all States Parties in order to promote their further implementation of the Covenant; to draw their attention to insufficiencies disclosed by a large number of reports; to suggest improvements to the reporting procedure and to stimulate the activities of these States and international organizations in the promotion and protection of human rights. These comments should also be of interest to other States, especially those preparing to become parties to the Covenant and thus to strengthen cooperation in the universal promotion and protection of human rights." 21/

34. The general recommendations issued by the Committee on the Elimination of Discrimination against Women to date have not addressed individual States; rather they have been directed at all States Parties and have indicated specific steps that they should take to fulfil their obligations under the Convention. The general recommendations adopted during the first 10 years of the Committee's life, reflecting the evolution of the Committee's work, were short, relatively modest and uncontroversial.

35. With the increase in the number of ratifications and reports, it became clear that the elaboration of the standards established in the Convention would be helpful to Governments and non-governmental organizations concerned with Convention implementation. As a first step in a more ambitious programme of broader and systematic general recommendations, the Committee formulated a general recommendation on female circumcision (recommendation 14) at its ninth session in 1990. Then, at its tenth session in 1991, the Committee adopted a programme to issue general recommendations on specific provisions of the Convention and on the relationship between the articles of the Convention and what the Committee called "cross-cutting issues" so as to provide States Parties with more comprehensive guidance as to the potential significance of Convention language. Government obligations would be articulated by this systematic analysis and by programme suggestions offered to non-governmental organizations. The Committee agreed to examine gender-based violence against women in 1992, the family in 1993 and equality and political participation in 1994.

36. Since this decision, the Committee has issued two detailed and comprehensive general recommendations that have offered States Parties clear guidance on the application of the Convention in particular situations. General recommendation, No. 19 concerning gender-based violence against women - an issue not addressed directly in the Convention - was agreed by the Committee in 1992. General recommendation, No. 21, which analyses articles 9 (concerning nationality), 15 (legal capacity) and 16 (marriage and family law), concerns equality in marriage and family relations and was issued in 1994.

II. IMPACT OF THE CONVENTION AND CEDAW

37. It is 14 years since the Convention entered into force. The increase in the number of States that are parties to the Convention testifies to the acceptance of a universally established code, thereby marking a significant step towards recognition of the human rights of women in public and private life.

38. The direct impact of the Convention and the work of the Committee has been dramatic in many countries. A number of countries that had focused little, if any, attention on the human rights of women in the past, do so today in large part because of the Convention. The development of the Committee has given rise to an increasing awareness of the importance of the human rights of women and the importance of measures to secure those rights.

39. Ratification of and accession to the Convention have frequently been preceded by the amendment of specific discriminatory laws and the introduction of broad-ranging policies to achieve equality of women and men. The spread of ratification and accession has in some instances preceded, and in others influenced, legal and policy change. The constitutions of many States Parties now incorporate clauses providing equality before the law or equal protection before the law. Moreover, a number of constitutions have incorporated the Convention into domestic law. Legislation to address sex discrimination has been introduced in many States Parties, both generally and within specific contexts. The Convention has positively influenced litigation, on occasion even in States that are not parties to it, with judicial officers concluding that the provisions of the Convention must be respected as established norms for interpreting the constitution and evaluating discrimination claims.

40. Since the adoption of the Convention, most States Parties have established national machineries to promote the advancement of women, a strategy encouraged by the Committee in its general recommendation 6. Still others have pursued the provisions of the Convention through national plans and policy directives. Others have introduced equal-opportunity ombudspersons and some have introduced temporary special measures of affirmative action, again a strategy encouraged by the Committee's general recommendation 5. Ratification and accession have frequently been followed by the elimination of legal restrictions that impeded, (particularly, rural) women from obtaining access to land, capital and technology. While progress towards exercising these rights has been less rapid, it is certainly the case that most States Parties have gone a long way towards removing formal discrimination.

41. Reporting under the Convention has had significant impact. The reporting procedure promotes the achievement of important goals. It is an occasion for comprehensive review of the situation of women in a particular country. This places pressure on the country to begin looking closely at its domestic laws and practices. Frequently, the reporting requirement results in the first detailed, official examination of the situation of women in the State party. Although the reports are frequently not submitted on time and are not always in accordance with the Committee's guidelines, the process can bring to light aspects of discrimination that may not have been given previous official recognition.

42. Reporting thus facilitates public scrutiny of government policies that affect the advancement of women and can form the basis for the elaboration of carefully targeted policies to advance the goals of the Convention. The process of periodic reporting allows for an assessment over time of progress that has been made in achieving these objectives and assists States Parties in identifying problems and difficulties in implementing the Convention, a process which can aid the formulation of policies to address these problems.

43. The process of constructive dialogue with the Committee has again assisted States Parties in fulfilling their treaty obligations. Through this process, States are able to discuss progress and obstacles with the Committee, clarify their obligations under the Convention and benefit from the Committee's evaluation of their progress in fulfilling the requirements of the Convention. By virtue of the fact that the Committee reports annually through the Economic and Social Council to the General Assembly, the process also allows for an exchange of information between States promoting the development of an understanding of the common problems they face and the consideration of measures that have been taken in other States to promote the implementation of the Convention.

44. The impact of the Convention and the work of the Committee has not been confined to States, but has permeated civil society. Non-governmental organizations dedicated to the promotion of the Convention have been established. The Convention has also served to focus the work of existing women's non-governmental organizations, allowing them to forge a better collaboration between themselves and Governments. Furthermore, the Convention has contributed to the development of the concept by non-governmental organizations of the empowerment of women. Both non-governmental organizations and individual women have turned to the Convention as the framework for equality, using it to campaign for women's rights at all levels. The Convention and the work of the Committee have also attracted the interest of universities and research institutes, where courses and programmes devoted to the study of the Convention have been initiated. The establishment of international norms and standards within the Convention and the ongoing work of implementing and interpreting those standards by the Committee have provided women all over the world with a frame of reference as to the obligations of their Governments with respect to women's advancement.

III. TRENDS AND ISSUES IDENTIFIED BY CEDAW

45. Since its first session in 1982, the Committee has held 14 sessions during which it reviewed 72 first, 42 second, 12 third and 2 fourth periodic reports. It has also received three reports on an exceptional basis: from Bosnia and Herzegovina, Serbia and Montenegro and Croatia. The reports that have been submitted present a richly detailed picture of the situation of women world wide and, combined with the review process, have allowed the Committee to identify the major obstacles to the implementation of the Convention. The process of report and review has also enabled the Committee, through its general recommendations and its contributions to United Nations conferences, to begin the task of exploring the meaning of the obligations of States Parties and of delineating the measures required of those States Parties by the Convention in order to meet these obligations. The following may be noted:

(a) The obligations of States Parties to the Convention start with the achievement of formal equality. The Committee recommends that domestic legislation should clearly recognize the principle of equality before the law and forbid gender discrimination, as well as provide effective protection and remedies where the principle of equality is ignored. It identifies areas in which law reform should be undertaken, making clear that both the civil and the penal systems should be focused on. Equality before nationality laws is a priority concern, as is the removal of legal impediments to women's owning and managing property. Reform of family law is required so as to allow for equality within marriage and upon its dissolution by death or divorce;

(b) One of the unique features of the Convention is article 4 (1) which allows States to adopt temporary measures of positive action so as to accelerate the improvement of the de facto situation of women. The Committee's elaboration of this includes specific training for girls and women, for example literacy campaigns and vocational training, and the establishment of goals and timetables, as well as quotas in the areas of employment, education and political participation;

(c) Equality in work and employment is a priority interest of the Committee. In general recommendation 13 (equal remuneration for work of equal value), States Parties' obligations are so clarified by the Committee as to include ratification of International Labour Organization (ILO) Convention No. 100 (the Equal Remuneration Convention, 1951) and the introduction of measures aimed at desegregation in the labour market. States are directed to consider the study, development and adoption of job evaluation systems based on gender-neutral criteria so as to compare female-predominant labour with that in which men predominate and to include results in periodic reports. In general recommendation 16 - on unpaid workers in rural and urban family enterprises - the Committee confirms that the Convention requires unpaid work to be valued and recognized and requires States Parties to report on the situation of unpaid women workers, as well as to take steps to guarantee payment, including benefits, to those workers. In general recommendation 17 - on the measurement and quantification of unremunerated domestic activities and their recognition in the gross national product - the Committee requires the measurement and quantification of the domestic activities of women and the incorporation of the unremunerated domestic activities of women in national accounts;

(d) The Committee has identified discrimination against vulnerable groups of women as contrary to the Convention. In general recommendation 15, it makes clear that the Convention requires avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS), while in general recommendation 18 it indicates that article 3 of the Convention requires States Parties to avoid discrimination against disabled women. The Committee shares the concern of the World Health Organization (WHO) regarding the increasing vulnerability of women to AIDS and has been encouraged by the interest of WHO in the Committee's work with respect to human immunodeficiency virus (HIV)/AIDS;

(e) Discrimination in matters concerning health has occupied the Committee. It has drawn attention to the lack of research in women's health, including diseases particular to women. Traditional dietary practices, as well as the fact that health-care services are often inaccessible to women, have been noted. The importance of women's reproductive health as a precondition of their enjoyment of all other human rights and freedoms, including the fundamental right to life on a basis of equality with men, has been stressed by the Committee. It has affirmed its support for the Programme of Action of the International Conference on Population and Development, 22/ held in Cairo in 1994, which stressed the centrality of women's right to reproductive health to the goals of gender equality and empowerment;

(f) Gender-based violence against women has been affirmed by the Committee as a form of sex discrimination and, (with the exception of article 6 concerning traffic in women and exploitation of prostitution of women), although not directly addressed by the Convention, as contrary to its principles. General recommendation 12 requires that States Parties include information on violence against women in all its forms and all its settings in reports, while general recommendation 14 specifically concerns female circumcision, making a number of suggestions and recommendations, primarily of an educational nature, to achieve its eradication. General recommendation 19 clearly delineates gender-based violence against women as sex discrimination and a violation of internationally guaranteed human rights. It comprehensively analyses the various articles of the Convention, indicating how gender-based violence falls under the rubric of discrimination and sets out specific measures required by the Convention of States Parties within this context. It delineates the information States Parties should include in reports to assure the Committee that they are fulfilling their obligations where this form of discrimination is concerned. The Committee's initiative in situating violence against women under the rubric of human rights was influential with respect to the adoption of the Declaration on the Elimination of Violence against Women and the appointment of the special rapporteur on violence against women, its causes and consequences. Its initiative also created a normative framework in which Governments and government leaders could be held responsible and accountable for combating violence against women;

(g) The Committee has identified inequality in political participation and lack of decision-making power as contrary to the Convention and as obstacles to the achievement of equality within other contexts. The Committee has noted that recent decades have witnessed advances in the political participation of women with the growth in number and strength of women's organizations, networks and

movements that have begun to influence local, national and international politics. At the same time, a few individual women have attained high-level political office. The Committee considers that among the factors that contribute to women's comparative exclusion from decision-making are sociocultural perceptions and inhibitions; uneven distribution of roles and responsibilities between women and men and persistent differentiations in the field of training and occupation; and the economic dependency of women. The Committee has noted that women are particularly unrepresented in the decision-making processes related to conflict resolution and management or peace-building both at international and national levels. States Parties' reports have revealed that women, always the most vulnerable in times of conflict, are almost entirely absent from decision-making posts in defence and foreign ministries, the military and police agencies;

(h) The Committee has noted that structural adjustment has often had severe consequences for women, generally because such policies have been designed, both at the international and at the national level, without consultation with women or in disregard of their needs. The nature of the resulting hardships has varied from country to country. Decreased public expenditure on education, health and food subsidies has meant that increased costs must be borne by women, who work longer hours, look for less expensive food, spend more resources on basic health care, make difficult choices about which children will get an education and which will work to sustain the family economy and face lower wages or fewer job opportunities as the wages in female-dominated industries decline or as the returns to agricultural labour are not sustained;

(i) The Committee considers that the persistence of traditions and prejudices is one of the main obstacles to the full enjoyment of the human rights of women. It has noted that discriminatory practices are often regarded as arising naturally from traditional roles within the family. General recommendation 21 constitutes the Committee's recognition of the importance of eliminating discrimination and inequality within the family. This recommendation, the Committee's contribution to the International Year of the Family, outlines the measures required by the Convention within the context of family relations. These include formal laws to ensure equality in civil status and before the law, as well as formal and de facto measures to effect equality within the private domain of family life;

(j) The Committee has located education as a crucial vehicle through which to achieve the goals of the Convention. It considers that the recent launch by the General Assembly of the United Nations Decade on Human Rights Education provides a timely opportunity to use the Convention as a tool for the eradication of gender discrimination. It believes the incorporation of the Convention in school and training curricula should be considered an important step to ensure the implementation of the platform for action. The Committee's concept of education as a key to the elimination of discrimination was elaborated by it at its fourteenth session when it issued the joint United Nations Educational, Scientific and Cultural Organization (UNESCO)-CEDAW Manifesto entitled "Towards a gender-inclusive culture through education". The Manifesto both clarifies some of the legal obligations of States Parties under

the Convention within the context of education and outlines strategies for them with respect to the achievement of these obligations;

(k) Perhaps the most important obligation of States Parties under the Convention is the achievement of de facto equality for women. The obligations of States Parties to achieve de jure equality between women and men are clear from the terms of the Convention. Also apparent are their obligations to ensure that women enjoy this equality in fact. Through its constructive dialogue with States, the Committee has sought to elaborate means by which States can close the gap between formal and actual equality. One of the achievements of the Committee has been to locate the importance of statistics as a means by which States can determine whether their efforts to fulfil their treaty obligations are being successful. Particularly in recommendation 9, it has stressed the urgent need to gather data and disaggregated information on a gender basis, in a comprehensive and integrated manner, at the international, regional, national and local levels with a view to assessing the current reality of women, identifying persistent problems and challenging the invisibility of women's human rights. The lack of comparative statistics prevents the Committee from assessing women's progress over time absolutely and in relation to men;

(l) Article 14 of the Convention requires States Parties to take all appropriate measures to ensure the application of its articles to women in rural areas. This obligation is unique to the Convention and its drafting benefited from the contribution of the Food and Agriculture Organization of the United Nations (FAO). The Committee is anxious that States Parties implement this important provision. Accordingly, measures to achieve equality for rural women are one of its specific interests. Measures required by the Convention to eliminate violence against rural women are elaborated in general recommendation 19 and specific issues concerning the family life of such women in general recommendation 21.

IV. CHALLENGES TO CEDAW

46. By elaborating the meaning and scope of discrimination against women, the Convention provides a vital tool for promoting human rights for women. Together, the Convention and the work of the Committee, particularly in its formulation of general recommendations, constitute a benchmark in terms of the establishment of an international human rights framework that is relevant to the majority of the world's women. The Committee on the Elimination of Discrimination against Women has reached an important juncture in its work - it has established a procedural framework, and examined a substantial number of initial and subsequent reports. It has also begun to explore its broader powers. The Committee and its Convention have been acknowledged by the international community in the Vienna Declaration and Programme of Action 2/ as central parts of the strategy to establish human rights as the common language of all humanity.

47. At the same time, the Convention faces challenges that obstruct its capacity to fully realize its promise on behalf of women. Perhaps the most fundamental challenge to the principles of the Convention stem from the following: despite the fact that the Vienna Declaration and Programme of Action

reaffirmed the principle of the universality of human rights regardless of differences in political, economic and cultural systems, this principle - the very basis of the Convention - is currently facing severe challenges. The Committee believes that those challenges represent one of the most serious obstacles to the implementation of the Convention. Political and social turbulence in many parts of the world has led to the resurgence of religious extremism and the assertion of narrow nationalistic and ethnic identities. The rise of religious extremism and conservatism poses a particular threat to the enjoyment by women of their human rights and to the full participation of women in decision-making in society at all levels. In addition, the Committee itself must address a number of challenges directly related to its effectiveness as a supervisory body.

A. Reservations

48. At the forefront of these challenges is the issue of reservations. The Convention permits ratification subject to reservations - a formal declaration that the State does not accept as binding upon it a certain part or parts of the treaty - provided that the reservations are not incompatible with the object and purpose of the Convention. States Parties have entered many formal reservations to the Convention - perhaps more than to any other major human rights treaty. As at 18 January 1995, 42 States Parties had made, and not subsequently withdrawn, reservations to the Convention. Some of those reservations concern matters that are not fundamental to the object and purpose of the treaty. Others are essentially procedural, and generally relate to article 29 which provides for the jurisdiction of the International Court of Justice in the settlement of disputes arising out of the Convention. A significant number, however, are substantive and, as one commentator has suggested, go "to the heart of both values of universality and integrity" 23/ in international human rights law generally and in that relating to women in particular, thereby affecting their enjoyment of legally guaranteed rights in all areas of life. Primary among such reservations are those relating to article 2, the core provision of the Convention. The meaning of the reservations of some States is difficult to determine. Others concern such areas of fundamental importance to the achievement of non-discrimination against women as family law, legal capacity and citizenship. Some reservations thus indeed appear to be inconsistent with the Convention's object and purpose.

49. Except for article 29 which provides for reference to the International Court of Justice, there is no process within the Convention to reject reservations that appear to be incompatible with the purpose of the Convention. While the compatibility of reservations is ultimately a legal question and can only be resolved by a judicial body, during the monitoring process the Committee must ascertain the extent to which implementation of the other obligations assumed by the relevant State Party is impeded by its reservations.

50. In the course of its work, the Committee has sought to determine the practical impact of any reservations in the relevant State. It commends States that ratify without reservations and regularly questions reserving States on the extent to which women enjoy equality in the area covered by the reservations. It has also sought to determine a State Party's ability to fulfil obligations

that it has accepted under other articles of the Convention and whether it has entered reservations of a similar nature regarding similar human rights obligations in other treaties. Review and withdrawal of reservations are also encouraged by the Committee, with general recommendations 4 and 20 and a number of its contributions to international forums specifically relating to this issue and its revised guidelines requiring reserving States to report comprehensively on reservations and their effect. The Committee's concern with regard to reservations has been transmitted to the Commission on the Status of Women and the Commission on Human Rights and was brought to the attention of the meeting of States Parties in February 1994. 24/

51. The Vienna Declaration and Programme of Action declared that States should make every effort to limit "the extent of any reservations they lodge to international human rights instruments, formulate any reservations as precisely and narrowly as possible, ensure that none is incompatible with the object and purpose of the relevant treaty and regularly review any reservations with a view to withdrawing them". 25/ The Committee has been encouraged by the number of States Parties that have withdrawn some or all of their reservations when they decided that they were not in fact necessary or in cases where they had taken steps to change the laws or practices that had made the reservations necessary in the first place. It is also encouraged by other States that indicate that they are considering the removal of reservations.

52. The Committee does not underrate the significant challenge that substantive reservations pose to its work and to the achievement of the goals of the Convention and will continue to develop means to meet this challenge. At the same time, the Committee considers that the pattern of reservations is a manifestation of the Convention's significance as an instrument of change. Living up to its standards requires an unusual level of national and cultural self-examination and response. Furthermore, even reserving States are brought within its monitoring system and their performance in advancing the condition of women is subjected to external scrutiny.

53. Meanwhile, the Committee recommends that States that intend to enter reservations draw them as narrowly as possible. Furthermore, the Committee has noted with approval the general comment by the Human Rights Committee on the question of reservations to the International Covenant on Civil and Political Rights. Like the Human Rights Committee, the Committee on the Elimination of Discrimination against Women is of the view that the absence of protest by States Parties to reservations does not imply compatibility with respect to the treaty, and it considers that it may be up to the Committee itself to make this determination. 26/

B. Clarification of the Convention's obligations

54. The Committee is aware that clarification and elaboration of the meaning of the Convention's provisions - or the developing of a jurisprudence - allow States Parties to appreciate fully their obligations under the Convention and to improve their efforts to fulfil those obligations. It is further aware that clarification of the norms contained in the Convention assists women to understand the rights to which they are entitled and provides them and

non-governmental organizations with a standard against which to assess laws and government policies.

55. The Committee considers it is now time to broaden its agenda beyond a review of reports and to begin to develop a detailed substantive jurisprudence of the Convention that draws together the accumulated experience of the Committee and States Parties. The Committee would like its programme of work to interpret the Convention's articles, established in 1991 at its tenth session, to be encouraged and supported, with specialized agencies and non-governmental organizations contributing to this important effort. The Committee considers that most urgent is the need for clarification of articles 2, 3 and 4, the core obligations of the treaty.

C. Implementation and scope of the Convention

56. The Committee's powers to promote implementation of the Convention are limited. While it may have the power to pronounce a State Party in violation of the Convention, it has no quasi-judicial powers enabling it to order an appropriate remedy. It may offer suggestions to individual States or to the States Parties generally as to appropriate ways to pursue the Convention's goals, but its major means for exerting pressure on States to comply with their obligations lie in its public review of individual country reports. Here a positive appraisal by the Committee gives impetus to further progress, and an adverse assessment provides incentive to future action.

57. Unlike other human rights treaties, the Convention does not incorporate an individual petition process. Again, unlike other human rights treaties, the Convention (except in article 29) does not allow for inter-State complaints. One of the recommendations of the Vienna Declaration and Programme of Action in 1993, was for consideration of the possibility of introducing the right of petition through the preparation of an optional protocol to the Convention. 27/

58. At its fourteenth session in 1995, the Committee suggested elements for such a protocol. The Committee's suggestion would allow individuals and groups from countries that were States Parties to both the Convention and the proposed protocol, and after they had exhausted national remedies, to petition the Committee where there was a violation of its terms. It would also entitle the Committee to initiate an investigation in a State Party in cases where it was in receipt of information suggesting gross or systematic violations of the Convention.

59. The Committee considers that a capacity to examine petitions of and initiate investigations into, discrimination against women would greatly strengthen its ability to have a direct and effective impact on the problem of gender-based discrimination. It would provide for individual relief and significantly increase the symbolic impact of the Convention. The experience of other treaty bodies suggests that those that have the capacity to receive complaints attract greater interest and ensure more serious treatment than those which do not. The experience of these other treaty bodies also suggests that the capacity to receive complaints has facilitated the development of a jurisprudence of the relevant treaty. Thus, for example, detailed examination

of individual complaints by the Human Rights Committee has provided a context within which to clarify the normative content of the International Covenant on Civil and Political Rights.

D. Publicity for the Convention and the Committee

60. The Convention and the Committee remain relatively unknown at international and national levels. Most women are unaware of their rights under the Convention and the lawyers and political scientists who are developing the jurisprudence of international human rights and absorbing those standards into national law frequently ignore the treaty and its Committee.

61. At its 1988 session, the Committee adopted a general recommendation urging States Parties to give greater publicity to the Convention, the Committee and their national reports to the Committee. None the less, few States Parties have made efforts to publicize the Convention and it is unusual for national reports to be available widely at the national level. National women's organizations in these countries have thus been unable to take full advantage of the reporting process.

62. International and national awareness of the treaty and the reporting process is essential to the achievement of the goals of the Convention. Bodies of the United Nations, particularly within the context of the Decade of Human Rights Education, other intergovernmental agencies, Governments, non-governmental agencies and others should be urged to take concrete steps to ensure wide publicity for the rights established under the Convention and the process of implementation of those rights through the Committee's monitoring. Publicizing of the Convention should incorporate analysis of the practical impact of the Convention and successful implementation of its obligations.

E. Fulfilment of reporting obligations by States Parties

63. Reporting is the only implementation mechanism created by the Convention; thus efforts to enhance the effectiveness of the Committee's procedures for considering reports are vital.

64. The reporting system under the Convention faces many of the same problems that have arisen under other treaty reporting systems. As at 1 March 1995, there were 139 States Parties to the Convention and at the same time there were 44 initial reports, 37 second reports and 51 third periodic reports that should have been submitted to the Committee but had not been received.

65. Lack of technical expertise is one of the explanations for failure to submit timely reports. The Committee considers that more needs to be done to ensure that United Nations technical advisory services can be made available to States Parties so as to assist them in preparing their reports under the Convention and that States are encouraged to make use of them.

66. Another explanation offered by States Parties for overdue reports is failure to understand what is required in such reports. This explanation is

also offered as regards reports considered to be inadequate. The Committee is aware that its guidelines are criticized as too general and non-specific, thereby failing to outline the information required under each of the articles of the Convention. The Committee intends to develop mechanisms to assist States Parties in meeting their reporting obligations. It would like to be supported as it develops more clear-cut guidelines or even its own reporting manual to assist States Parties.

F. Resources

67. Even with the current situation of overdue reports, a report submitted to the Committee will not be reviewed for at least three years. When the Committee eventually reviews the report, its consideration, if it is a first report, will involve two meetings; and if it is a subsequent report, it will be considered in one meeting. Time taken by the Committee to consider reports is far less than that spent by other comparable treaty bodies.

68. The backlog of reports, which itself creates a disincentive to report, and the expedition of their review are explained by article 20 of the Convention, which stipulates that the Committee shall normally meet annually for no more than two weeks, a restriction which affects no other human rights treaty body. Some of the difficulties posed by this restriction include additional burdens on reporting States, which are forced to update reports that, when introduced by them to the Committee, are often several years out of date. To resolve some of these difficulties, the Committee has developed procedures, including the pre-sessional working group for review of second and subsequent reports which has met since 1990, as well as encouraged combined reports. Recognizing that no amount of rationalization of work by the Committee will resolve the increasing backlog of reports awaiting consideration which constitutes an impediment to the Committee's work in elaborating the provisions of the treaty, the General Assembly has directed the States Parties to consider amendment of this aspect of the Convention at an extraordinary meeting in 1995.

69. Since its inception, the Committee has experienced resource difficulties both during its sessions and inter-sessionally. Since the beginning of this decade, its secretariat, the Division for the Advancement of Women of the United Nations Secretariat, has worked actively to address some of these difficulties. It now routinely prepares for the Committee a compendium of statistical information on the countries that it will be examining, and analyses of initial and subsequent reports so as to identify issues that have not been addressed or questions that remain unanswered from the Committee's previous examination of a country's report, and provides background papers on themes to be explored by the Committee. None the less, there is a perception among members of the Committee that it is not as well resourced as comparable bodies, although it is difficult to determine the level of financial and human resources that are available to the other treaty bodies. The Committee wishes to emphasize that without proper resourcing it is unable to fulfil its role and that this in turn impedes the implementation of the Convention.

G. Widening the Committee's information base

70. The Committee is aware that its effectiveness as a monitoring body will be enhanced if it is able to receive additional information to what is provided by the reports of States Parties. It is also aware that the implementation of the Convention and the capacity of the Convention as an instrument of change are dependent on the Committee's being known at the domestic level in terms of its monitoring process.

71. The fourth meeting of the chairpersons of United Nations treaty bodies found non-governmental organization information crucial to ensuring their effective performance. Participation in the work of the Committee by national and international non-governmental organizations has been limited by the fact that there is no formal procedure in the Convention for involving them in the process of reporting and the work of the Committee generally.

72. Although the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 28/ are similarly limited, both the Human Rights Committee and the Committee against Torture receive written non-governmental organization submissions on an informal, but systematized, basis. The Committee on the Elimination of Discrimination against Women has received such material on an ad hoc and individual basis. The Committee now wishes to encourage a more effective non-governmental organization presence and to direct its secretariat to distribute non-governmental organization material on a regular basis. The Committee wishes to encourage, for example, the preparation of shadow reports by non-governmental organizations. The Committee wishes to encourage effective use by non-governmental organizations of the monitoring process and, in particular, the involvement of non-governmental organizations in unofficial linkages to the domestic forum.

H. Linkages

73. One of the most important challenges that the Committee faces is the development of linkages. Effective steps must be taken so that the reporting process has official and unofficial linkages to the domestic forum. To a large extent, greater involvement of non-governmental organizations in the process of reporting will meet this challenge.

74. The Committee also faces the challenge of forging linkages with other international bodies. Its reports are transmitted to the Commission on the Status of Women for information. The work of the Committee is an important resource for the Commission in its task of monitoring the Nairobi Forward-looking Strategies for the Advancement of Women, as well as framing its medium- and long-term planning. Furthermore, the work of the Committee has the potential for achieving significant input into the policy-making role of the Commission by helping it to identify, based on its examination of country reports and elaboration of general recommendations, where major obstacles to women's equality still exist.

75. Linkages are required with the other bodies and mechanisms within the United Nations and elsewhere. Since the establishment of the United Nations, the potential of women's issues to become marginalized with respect to the work of mainstream human rights organs has been recognized. As early as 1947, the Economic and Social Council agreed that the Commission on the Status of Women should be represented at the sessions of the Commission on Human Rights when sections of the draft of the international bill of human rights concerning the particular rights of women were discussed and that the draft of the bill should be circulated to both Commissions at the same time. 29/ Similar arrangements were made to integrate the Commission on the Status of Women into the work of the Subcommission on Prevention of Discrimination and Protection of Minorities. 30/

76. Until 1970, a representative of the Commission on the Status of Women attended both the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities. Financial constraints, exacerbated by the physical separation of the secretariats of the Commission on the Status of Women and of the Commission on Human Rights brought the practice of representation to an end.

77. Since the inception of the Committee on the Elimination of Discrimination against Women, there has been no institutionalized mechanism of cooperation and coordination between the Committee and the Commission on Human Rights and its Subcommission. Furthermore, except for the meeting of chairpersons, in which the Committee has participated since 1988, there has been no mechanism of coordination between it and the other human rights treaty bodies. Individual members of the Committee have followed the work of these bodies, but their work has been adversely affected by the fact that the Committee is the only human rights treaty body whose secretariat is not the Centre for Human Rights in Geneva.

78. The Vienna Declaration and Programme of Action require the equal status and human rights of women to be integrated into the mainstream of United Nations system-wide activity. In particular, they require steps to be taken to increase cooperation and promote further integration of the objectives and goals of the Committee, the United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP). They emphasize cooperation and coordination among the treaty monitoring bodies in the promotion of the human rights of women.

79. Some steps have been taken to integrate the work of the Committee and that of other bodies. In a series of resolutions, the Commission on Human Rights has reiterated the need to integrate the rights of women into the human rights mechanisms of the United Nations 31/ and has welcomed the initiatives of the Committee on the Elimination of Discrimination against Women to enhance this integration. By appointing a focal point for women in the Centre for Human Rights, a practical step towards integration has been taken by the United Nations.

80. The Committee wishes to emphasize the complementary and reinforcing nature of the core human rights treaties and the importance of substantive integration between it and the other treaty bodies. It further emphasizes the importance of

its work for other human rights mechanisms, including thematic and country rapporteurs. The Committee stresses that it is crucial that a close link between it and the special rapporteur on violence against women, appointed in 1994, 32/ continue to be forged. Concrete steps towards this linkage began during the Committee's fourteenth session, when the Special Rapporteur addressed the Committee during one of its meetings.

81. The Committee considers that substantive integration is hampered by the site of its sessions and the fact that it does not share the other treaty bodies' secretariat. To promote integration, so that the Committee is considered truly to be within the mainstream of human rights, and to allow it to perform its work more effectively, the Committee has requested the Secretary-General to situate it within the Centre for Human Rights in Geneva.

I. The specialized agencies and other bodies

82. Article 22 of the Convention on the Elimination of Discrimination against Women entitles the specialized agencies to be represented during the review by the Committee of States Parties' reports. It also allows these agencies to submit reports on the implementation of the Convention.

83. Some agencies, and particularly ILO and UNESCO, have regularly observed the Committee's proceedings and contributed to its work both in written submissions and in informal discussions. Up to this time, however, the specialized agencies have not determined the most effective way to contribute to the work of the Committee.

84. The Committee intends to interpret article 22 broadly so as to encourage more cooperation and coordination between it and other bodies within the United Nations. The Committee wishes to promote improved and effective contributions from the specialized agencies, as well as other United Nations bodies. It has noted the important role that the United Nations Children's Fund (UNICEF) has played in effecting ratification and implementation of the Convention on the Rights of the Child 33/ and wishes to encourage other funds and agencies to take on such a role with regard to the Convention on the Elimination of All Forms of Discrimination against Women. The Committee believes that UNIFEM could play a central role in the promotion of the Convention and the work of the Committee. It is encouraged by the recent establishment of a joint UNIFEM/CEDAW task force and hopes that Governments will support this initiative.

V. STRATEGIES FOR THE FUTURE

85. To an extent, the Committee on the Elimination of Discrimination against Women must confront many of the challenges outlined above and must take the initiative in defining an active, expanded and constructive role for itself. However, a number of these challenges are beyond its control and can only be addressed by the international community.

86. It remains fundamentally important for the international governmental and non-governmental community to reaffirm, in unequivocal terms, the universality

and indivisibility of internationally guaranteed human rights and fundamental freedoms. That community must reaffirm that the human rights of women form an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international level, and the eradication of all forms of discrimination on the grounds of sex, are priority objectives of the international community.

87. Concrete commitments must be made to adopt practical measures to give effect to these sentiments. Here, there must be a central commitment to improve the effectiveness, at international, regional and national levels, of legal standards and institutions generally and where these are specific to women in particular. To that end:

(a) Governments should ensure that the Convention on the Elimination of All Forms of Discrimination against Women - the fundamental legal instrument for the advancement of women - is the basis for the achievement of the goals of equality, development and peace;

(b) In the spirit of the Vienna Declaration and Programme of Action, all Governments should strive to ratify the Convention without reservation so that the goal of universal ratification is achieved by the year 2000;

(c) States Parties should review the compatibility of reservations with the object and purpose of the Convention and withdraw those reservations to the Convention that are obstacles to its effective implementation;

(d) States Parties should review reservations made to the Convention in the light of ratifications and reservations made to other human rights instruments with similar objectives;

(e) States Parties should object to reservations by other States Parties that are incompatible with the object and purpose of the Convention;

(f) Governments should strengthen the implementation procedures under the Convention, and support the adoption of the optional protocol suggested by the Committee;

(g) States Parties should ensure that the Committee on the Elimination of Discrimination against Women has sufficient meeting time and resources to fulfil its treaty-mandated tasks;

(h) States Parties should introduce effective means to ensure timely and adequate reporting;

(i) Governments should undertake to effect full publicity for the Convention and ensure its translation into all languages and dialects;

(j) States Parties should be encouraged to publicize the compilation, submission and review of reports;

(k) Within the context of the Decade for Human Rights Education, Governments should ensure that the Convention and its principles form part of informal and formal human rights teaching at all levels;

(l) The expertise of individual members of CEDAW should be used in efforts to publicize the Convention and promote its principles;

(m) States Parties should encourage and involve non-governmental organizations in the Convention reporting and implementation process;

(n) Non-governmental organizations should assume an active role in supporting and publicizing the work of the Committee on the Elimination of Discrimination against Women;

(o) Non-governmental organizations should make women aware of the obligations that a State Party assumes under the Convention; they should also make women aware of the accountability of the State for these obligations;

(p) The Secretary-General of the United Nations should consider favourably the request of CEDAW to be located at Geneva with servicing provided by the Centre for Human Rights;

(q) The Secretary-General of the United Nations should ensure that the necessary staff and facilities for the effective performance of the function of the Committee are provided;

(r) The Committee for Programme and Coordination should ensure that all steps are taken so as to mainstream the work of CEDAW into United Nations system-wide activity;

(s) All agencies of the United Nations, including UNIFEM, should support and encourage the work of the Committee on the Elimination of Discrimination against Women.

VI. CONCLUSION

88. The Committee on the Elimination of Discrimination against Women, as the only treaty body for the human rights of women, calls upon all the Governments and women of the world to join forces in defence of the progress and achievements of the twentieth century with respect to the human rights of women. Looking towards the twenty-first century and envisioning the future of humanity - women, men and children - we must be alert so as to preserve the gains that have been made so far and continue to work for the empowerment of women throughout the world. The well-being of women is the key to the well-being of all humanity. The Convention on the Elimination of All Forms of Discrimination against Women should be the basis for building and reinforcing a society of equality, development and peace.

Notes

1/ General Assembly resolution 34/180, annex.

2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

3/ General Assembly resolution 48/104 of 20 December 1993.

4/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24 and Corr.1 and Add.1 and 2), chap. II, sect. A, resolution 1994/45.

5/ Document E/1993/27 and Corr.1, chap. I, sect. C, resolution 37/7, sect. III.

6/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

7/ General Assembly resolution 217 A (III).

8/ See General Assembly resolution 2200 A (XXI), annex.

9/ Ibid.

10/ See Economic and Social Council resolution 48 (IV) of 29 March 1947.

11/ General Assembly resolution 640 (VII), annex.

12/ General Assembly resolution 1040 (XI), annex.

13/ General Assembly resolution 1763 (XVII) A, annex.

14/ General Assembly resolution 2018 (XX).

15/ General Assembly resolution 2263 (XXII).

16/ In its resolution 1325 (XLIV) of 31 May 1968, the Economic and Social Council requested Member States, the specialized agencies and the non-governmental organizations concerned to inform the Secretary-General of the publicity given to the Declaration and of action taken by them in compliance with the principles of the Declaration. This reporting system was superseded by that established by Council resolution 1677 (LII) of 2 June 1972, in which the Council requested States Members of the United Nations, starting in the period 1972-1973, to submit information on the implementation of the Declaration according to a four-year cycle and, during the period 1972-1973, to submit as part of their reports on the implementation of the Declaration, information on the implementation of a number of human rights treaties that had particular importance for women. These reports were to be liked directly to the provisions of the Declaration, and were to focus on the de jure and de facto situations and

the gaps between them including any obstacles that prevented the full implementation of the principles of the Declaration.

17/ Roberta Jacobson, "The Committee on the Elimination of Discrimination against Women", in The United Nations and Human Rights: A Critical Appraisal, P. Alston, ed. (New York, Oxford University Press (Clarendon), 1992), pp. 444-472 (at p. 446).

18/ Report of the World Conference of the International Women's Year, Mexico City, 19 June-2 July 1975 (United Nations publication, Sales No. E.76.IV.1), chap. II, sect. A.

19/ Separate voting was requested for the following: preambular paragraphs 10 and 11 (result: 108-0-26), article 9 (2) (result: 92-13-28) and article 16 (1) (c) (result: 104-0-32).

20/ Rebecca J. Cook, "Reservations to the Convention on the Elimination of All Forms of Discrimination against Women", Virginia Journal of International Law, vol. 30 (1990), pp. 643-716.

21/ Document CCPR/C/21 (1981).

22/ Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (A/CONF.171/13), chap. I, resolution 1, annex.

23/ Rebecca J. Cook, loc. cit., p. 644.

24/ The Subcommission on Prevention on Discrimination and Protection of Minorities has suggested that certain reservations might be the subject of an advisory opinion of the International Court of Justice (see E/CN.4/Sub.2/1991/41, paras. 51-59).

25/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 5.

26/ General comment No. 24 (52) 13 (CCPR/C/21/Rev.1/Add.6), 2 November 1994.

27/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 40.

28/ General Assembly resolution 39/46, annex.

29/ See Economic and Social Council resolution 48 (IV) of 29 March 1947, section A, paragraph 3. The provisions of this resolution were reaffirmed by the Council in its resolution 566 (XIX) of 6 April 1955, in which the Council requested the Commission on Human Rights to invite the Commission on the Status of Women to send a representative to participate without vote in its deliberations, when questions of direct concern to the Commission on the Status of Women were on the agenda. In its resolution 1074 (XXXIX) F of 28 July 1965, the Council decided that a representative of the Commission on the Status of

Women should be invited to attend meetings of the Working Party appointed to elaborate the programme for the 1968 International Year for Human Rights.

30/ See Economic and Social Council resolution 48 (IV) of 29 March 1947, sect. A, para. 5.

31/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A, Commission on Human Rights resolution 1993/46 of 8 March 1993; ibid., 1994, Supplement No. 4 (E/1994/24 and Corr.1 and Add.1 and 2), chap. II, sect. A, Commission on Human Rights resolution 1994/45 of 4 March 1994; and Commission on Human Rights resolution 1995/86 of 8 March 1995.

32/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24 and Corr.1 and Add.1 and 2), chap. II, sect. A, Commission on Human Rights resolution 1994/45, para. 6.

33/ General Assembly resolution 44/25, annex.